

SENATE BILL No. 6

By Senator Haley

6-3

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to early release and house arrest of certain inmates due to COVID-19
3 pandemic; terms of release.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) Notwithstanding any statute to the contrary, the
7 secretary of corrections shall grant release to any offender in the custody
8 of the secretary, if such offender:

- 9 (1) Has recently tested negative for COVID-19;
10 (2) is not currently serving a sentence for a person felony;
11 (3) has 18 months or less remaining on such offender's sentence, after
12 any good time credits and program credits have been calculated; and
13 (4) has an appropriate release plan established.

14 (b) An offender who meets the criteria for release in subsection (a)
15 shall be placed on a house arrest program pursuant to K.S.A. 2019 Supp.
16 21-6609, and amendments thereto, to serve the remainder of the offender's
17 sentence.

18 (c) (1) The secretary or the court shall establish any conditions of
19 release for the offender. The release shall be conditional and be subject to
20 revocation pursuant to K.S.A. 75-5217, and amendments thereto, if the
21 offender fails to comply with any condition of release. The offender shall
22 remain on release supervision until the release is revoked, expiration of the
23 maximum sentence or until discharged by the secretary or the court.

24 (2) The court shall determine whether the offender, upon release,
25 shall be supervised by community correctional services or court services
26 based upon the risk and needs of the offender. The risk and needs of the
27 offender shall be determined by use of a risk assessment tool specified by
28 the Kansas sentencing commission.

29 (3) The secretary shall cause the offender to be supervised upon
30 release and shall have the authority to initiate revocation at any time for
31 the reasons indicated in this subsection. Any decision regarding revocation
32 shall be final and subject to review by any administrative agency or court.

33 (d) The secretary shall make the determinations required by
34 subsection (a) within 30 days of the effective date of this section.

35 (e) Nothing in this section shall be construed to limit or preclude
36 submission of an application for pardon or commutation of sentence

1 pursuant to K.S.A. 22-3701, and amendments thereto.

2 (f) This section shall expire 120 calendar days after the expiration or
3 termination of the state of disaster emergency proclamation issued by the
4 governor in response to the COVID-19 public health emergency or any
5 extension thereof.

6 (g) This section shall be a part of and supplemental to the Kansas
7 criminal code.

8 Sec. 2. This act shall take effect and be in force from and after its
9 publication in the Kansas register.